IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Writ Petition No. 1476 (S/S) of 2004

Radhey Shyam S/o Sri Ram Swaroop,
serving as Survey Naib Tehsildar, Bhu Sarvakshan Evam Abhilekh Ekai,
Udham Singh Nagar -------Petitioner

Versus

1. Chief Revenue Commissioner, Uttaranchal, Dehradun
2. Collector, Udham Singh Nagar

-------- Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri Manoj Tiwari, learned counsel for the petitioner and Sri N.P. Shah, learned Standing Counsel State of Uttarakhand for the respondents.

The sole controversy in this case is that the petitioner, who was initially appointed as Survey Lekhpal, was promoted on the post of Survey Kanoongo vide order dated 09.11.1978 and again was temporarily promoted on the post of Survey Naib Tehsildar in the year 1996. One Sri Balkaran, who was appointed as Survey Lekhpal on 27.02.1978 and was promoted on the post of Survey Kanoongo on 01.05.1982, is continuing on the post of Survey Naib Tehsildar without any regular promotion, whereas the petitioner is being promoted every time for 89 days.

While entertaining the writ petition, this Court on December 16, 2004 directed the respondents that *if any person junior to the petitioner is working as Survey Naib Tehsildar in the District of Udham Singh Nagar without being promoted regularly, the petitioner shall not be reverted to the post of Survey Kanoongo*

until further orders of this Court and for continuation of his promotion, the District Magistrate shall recommend his case to the C.R.C. as per Rules.

Even after passing the above order by this Court, the petitioner was reverted on the post of Survey Kanoongo. The stand of the respondent is that the petitioner was granted promotion only for 89 days and after expiry of that period, he was sent back on the post of Survey Kanoongo and it was not a case of reversion.

Supplementary counter affidavit has been filed by the District Magistrate, Udham Singh Nagar, wherein he has stated that Sri Balkaran, Supervisor Kanoongo was temporarily promoted in local arrangement as Survey Naib Tehsildar from the date of joining till the date of further orders by the Commissioner and Secretary, Board of Revenue, Uttar Pradesh vide order dated 25.01.1991 and, subsequently, Sri Balkaran has been transferred to the District Udham Singh Nagar on the post of Survey Naib Tehsildar vide transfer order dated 27.09.1996 and since then he is working as Survey Naib Tehsildar in Survey Unit, District Udham Singh Nagar. It is further submitted by the District Magistrate in the supplementary counter affidavit that Sri Balkaran, Survey Naib Tehsildar is not in the seniority list of survey Kanoongo of the District and the petitioner is the senior most Survey Kanoongo in the seniority list of Survey Kanoongo in the District.

In these admitted facts, I deem it just and proper to direct the respondents that in case there is any post of Survey Naib Tehsildar is vacant in the District, the petitioner shall be provided temporary promotion on the post of Survey Naib Tehsildar as his junior Sri Balkaran is continuing on that post.

With this direction, the writ petition is finally disposed of. All the pending applications stand disposed of.

(M.M. Ghildiyal, J.)

08.08.2007
VKS